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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,512	11/14/2003	Jean Ellen Johnson	STEA-1-1001	9836

25315 7590 04/05/2005

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EXAMINER	
AVILA, STEPHEN P	

ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,512	JOHNSON, JEAN ELLEN	
	Examiner	Art Unit	
	Stephen Avila	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *29-43* is/are allowed.

6)☒ Claim(s) *1-8,10-28 and 44-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 8, 11, 15, 21, 22, 44, and 46 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brown. Brown discloses a method and apparatus for a personal floatation device with a covered belt 34, a buoyant material 31, and a cover 33. Note that Brown further discloses stitching 36 near the cover openings.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 3, 16, 17, 26-28, 45, 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Khanamirian. Brown does not disclose a stretchable neoprene cover. Khanamirian teaches a stretchable neoprene cover (column 3, lines 18-36). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the cover of Brown to be of stretchable neoprene as taught by Khanamirian for superior fit, form, function, protection and to be aesthetically pleasing. Additionally, with respect to claim 28, it would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time

the invention was made would have been to form the belt of Brown of nylon webbing for high strength and light weight.

5. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown. It would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made would have been to form the belt of Brown of nylon webbing for high strength and light weight.

6. Claims 6, 7, 10, 12-14, 19, 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Steger et al. Brown does not disclose stitching near two locations near the ends with a bar tack. Steger et al teach a belt 46 stitched in multiple places near ends with a bar tack (note paragraph 0024). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the stitching of Brown with multiple places near the ends with bar tacks as taught by Steger et al for high strength and improved safety.

7. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Khanamirian as applied to claim 2 above, and further in view of Steger et al. Brown does not disclose stitching near two locations near the ends with a bar tack. Steger et al teach a belt 46 stitched in multiple places near ends with a bar tack (note paragraph 0024). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the stitching of Brown with multiple places near the ends with bar tacks as taught by Steger et al for high strength and improved safety.

8. Claims 29-43 are allowed.

9. Applicant's arguments filed January 3, 2005 have been fully considered but they are not persuasive. Applicant alleges that the claims define over the Brown reference because the stitching 36 is not near the opening for the belt. However, the stitching is near the opening. Note that near is a relative term. The claims clearly do not specifically set forth that the stitching is at the opening. Therefore, the rejections based upon the Brown reference are deemed to be proper.

With respect to the combinations with Brown, Applicant has presented no arguments against the combinations, therefore the combinations are deemed to be proper.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 703-308-

2578. The examiner can normally be reached on Monday to Thursday from 8 AM to 4 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Avila
Primary Examiner
Art Unit 3617

3/31/05

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